

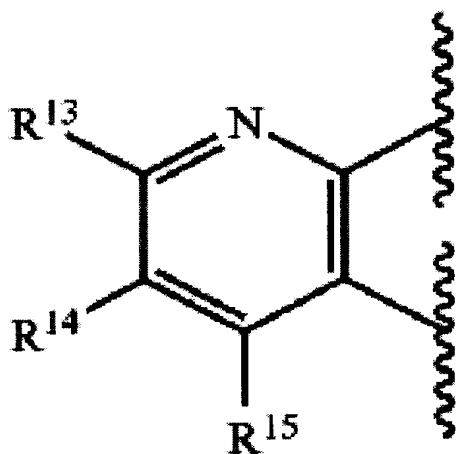
REMARKS

Claims 1 and 3-55 are pending in this application. By this Amendment, claims 1 and 3 are amended, and claim 2 is canceled. Claim 1 is amended to incorporate the subject matter of dependent claim 2, and claim 3 is amended so as not to depend from a canceled claim. No new matter has been added.

I. Response To Restriction And Election Of Species Requirements

Applicants provisionally elect Group I, claims 1-54, with traverse. Additionally, Applicants elect, with traverse, the species as follows:

A is:



wherein

R¹³ is a halogen atom,

R¹⁴ is a hydrogen atom,

R¹⁵ is a C₁₋₆ alkyl group;

R¹ and R² are, respectively, a C₁₋₆ alkyl group;

R³ is a hydroxyl group;

R⁴ is a hydrogen atom;

R⁵ is a hydrogen atom;

R⁶ is a C₆₋₁₄ aryl group;

V is a single bond;

m is 2; and

n is 0.

Applicants submit that at least claims 1, 3-8, 35-40 and 52-55 read on the elected species, and that at least claim 1 is generic to all of the indicated species.

The Restriction and Election of Species Requirement is respectfully traversed.

The Restriction Requirement argues that Groups I and II do not relate to a single inventive concept, allegedly lacking a technical relationship involving one or more corresponding technical features. Specifically, the PTO alleges that the only structural elements shared by group I and II is 4-nitro-benzopyran. The benzopyran recited in the current claims is an amino-benzopyran, and thus Applicants understand the PTO was referring to an amino-benzopyran, not a nitro-benzopyran.

Current claim 55, a Group II claim, recites a pharmaceutical for treating arrhythmia comprising the benzopyran derivative or pharmaceutically acceptable salt thereof according to claim 1 as an active ingredient, while claim 54, a Group I claim, recites a pharmaceutical comprising the benzopyran derivative or pharmaceutically acceptable salt thereof according to claim 1 as an active ingredient. Clearly, therefore, claim 54 and claim 55 share all of the technical features of claim 1, and thus are sufficiently related for restriction to be improper. Thus, withdrawal of the requirement for restriction between Groups I and II is respectfully requested.

It is also respectfully submitted that the subject matter of all claims 1 and 3-55 and all of the species are sufficiently related that a thorough search for the subject matter of Group I and the elected species would encompass a search for the subject matter of the remaining claims and species. Thus, it is respectfully submitted that the search and examination of the

entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Finally, Applicants further understand that upon a finding of allowability of the elected species, the search will continue with regard to the remaining species until generic claim 1 is allowed.

Thus, withdrawal of the Restriction and Election of Species Requirements are respectfully requested.

II. Conclusion

Favorable reconsideration and prompt allowance of claims 1 and 3-55 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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